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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GILBERT and WAKARCHUK

Application No.: 10/821,573

Filed: April 8, 2004

For: SIALYLTRANSFERASES FROM  
C. JEJUNI

Customer No.: 20350

Confirmation No. 2448

Examiner: Sheridan Swope

Technology Center/Art Unit: 1656

PRELIMINARY AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, National Research Council of Canada, Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending US Application Number 10/303,161 (filed November 21, 2002).

US Application Number 10/303,161 and the instant application were commonly owned at that time of invention of the subject matter claimed in any patent granted on pending US Application Number 10/303,161. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on pending US Application Number 10/303,161 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full